IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 18552 of 2007(H)

PETITIONER:

DHARMESH MADHUSOODAN THAKKAR,
FLAT NO.51, UPAVAN B WING, NISARG COMPLEX,
PATTIPADA OFF-GHODHUNDER ROAD, THANE-400 607.

BY ADV. SRI.C.P.SAJI

RESPONDENTS:
---

1. UNION BANK OF INDIA, MATTANCHERRY BRANCH
KOCHI.

2. M/S.JAGDISHKUMAR, AND BROTHERS,
A PARTNERSHIP FIRM HAVING ITS REGISTERED OFFICE
AT VII/725, DARUSSALAM ROAD, COCHIN-682 002.

3. AJITHKUMAR MULJI THAKKAR, PARTNER OF
M/S.JAGDISHKUMAR AND BROTHERS, VII/725,
DARUSSALAM ROAD, COCHIN-682 002.

4. MADHUSOODAN MULJI THAKKAR, PARTNER OF
M/S.JAGDISHKUMAR AND BROTHERS II NO. C-8,
FLAT NO.A, BUILDING NO.2, RUNWAL PARK, SION
TROMBAY ROAD, CHEMBUR, BOMBAY-400 071.

5. MUKESH AJITHKUMAR THAKKAR, PARTNER OF
M/S.JAGDISHKUMAR AND BROTHERS VII/725,
DARUSSALAM ROAD, COCHIN-682 032.

6. NARANJI LAKSHMIDAS THAKKAR,
PARTNER OF M/S,JAGDISHKUMAR AND BROTHERS,
EXPRESS HOTEL ROAD, 8/505 ,
OPPOSITE CORPORATION OFFICE , CALICUT -673 032.

7. BADAL MADHUSOODAN THAKKAR, PARTNER OF
M/S.JAGDISHKUMAR AND BROTHERS II NO.C-8,
FLAT NO.A, BUILDILNG NO.2 , RUNWAL PARK,
SION TROMBAY ROAD, CHEMBUR, BOMBAY -400 071.

8. MRS.KUSUM AJITHKUMAR THAKKAR,
RESIDING AT JAI JULESH, CHULLICKAL,
MUPITHUPARAMBIL, COCHIN 682 005.

R1 BY ADV. SRI.A.S.P.KURUP, SC, UBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 18552 OF 2007

Dated this the 29th day of June, 2007

JUDGMENT

Petitioner is challenging Ext.P5 order of the DRAT rejecting an application for condonation of delay of 1652 days in filing the appeal before the DRAT. Counsel for the first respondent-Bank submitted that liability runs into crores of rupees and other partners are petitioner's father and other close relatives. The only ground raised by the petitioner is that he was a minor admitted to the benefit of the firm and on attainment of majority he opted out of continuing as a partner. However, the property devolved upon him is obtained from his father, who was a defaulter partner. Moreover petitioner was a major when he was a respondent in the application before the DRAT. Therefore I find no ground to interfere with the order of DRAT declining to condone the delay of over five years in filing the appeal which obviously is an after-thought to dodge recovery.

W.P. is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge